

Legislation would reverse Bush Administration decision that limited states' and localities' options to seek reimbursement

Washington, DC - Rep. Linda Sánchez (D-CA) introduced the State Criminal Alien Assistance Program (SCAAP) Reimbursement Protection Act today, which would help states and localities to be reimbursed for some of the costs of incarcerating individuals who are here illegally and who are either charged with or convicted of a felony or two or more misdemeanors.

"States and counties shouldn't have to bear the burden of housing criminal aliens, when it has previously been the responsibility of the federal government," said Rep. Linda Sánchez. "This bill will help offset the costs that states endure to detain these suspects and criminals so they aren't forced to release detainees early--or make cuts in other public safety services--just because they can't afford to keep them in custody."

Under the Bush Administration, the Department of Justice limited SCAAP payments, stipulating that states and localities can only be reimbursed for the cost of incarcerating a criminal alien if the individual is both charged with and convicted of a crime in the same year, but overlooked costs associated with the time before the actual conviction. This has made many of the costs associated with pre-trial detention ineligible for reimbursement.

Rep. Sánchez, who introduced the same legislation in the 110th Congress, commented, "In my home state of California, which already has overcrowded prisons, the failures in the Bush Administration's border policy has made the budget even tighter. During these tough economic times, and in light of California's budget deficit, it's time to fix this problem."

The legislation is a result of conversations between Rep. Sánchez, law enforcement agencies, and their officers on how to fix this problem. Without this legislation, state and local budgets would be overwhelmed by costs that should be the federal government's responsibility.